

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
Filed: September 1, 2000
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REMARKS

Claims 1-3 are pending in the subject application. Applicants have hereinabove amended claims 1 and 2. Support for the amendments to these claims may be found, *inter alia*, in the specification on page 19, line 5 and lines 21-24. These amendments do not involve any issue of new matter. Therefore, entry of these amendments is respectfully requested such that claims 1-3 will be pending and under examination.

In view of the amendments to the claims and the arguments set forth below, applicants maintain that the Examiner's rejection set forth in the January 4, 2007 Office Action has been overcome and respectfully request that the Examiner reconsider and withdraw same.

Rejection Under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 1-3 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner stated that the as-filed specification does not provide support for "a neural stem cell which expresses Chx10" nor for the use of "a neural stem cell which expresses Chx10" in the claimed method of converting a neural stem cell to a V2 neuron.

In response, applicants respectfully traverse. Nevertheless,

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applicants without conceding the correctness of the Examiner's position and to expedite prosecution of the subject application have hereinabove amended claims 1 and 2. Claim 1, as amended, no longer recites "a neural stem cell which expresses Chx10," but instead recites, in relevant part: "a progenitor cell of a V2 interneuron." This amendment is supported on page 19, line 5 and lines 21-24, of the subject specification.

Accordingly, applicants maintain that the invention set forth in claims 1-3, as amended, satisfies the written description requirement of 35 U.S.C. §112, first paragraph. Therefore, applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Provisional Obviousness-type Double Patenting Rejection

Applicants acknowledge that the Examiner has withdrawn the rejection of claims 1-3 under the judicially created doctrine of obviousness-type double patenting.

In view of the amendments to claims 1-3 set forth hereinabove, applicants maintain that the invention set forth in amended claims 1-3 is still patentably distinct from the invention claimed in U.S. Patent No. 6,955,802.

As the Examiner noted in the March 16, 2006 Final Office Action the neural stem cell claimed in U.S. Patent No. 6,955,802 necessarily produces a motor neuron.

Applicants respectfully point out that the claims of the instant application do not produce a motor neuron but instead necessarily produce a V2 interneuron. Specifically applicants direct the

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Examiner's attention to column 13, lines 60-64 and column 16, lines 32-46, of U.S. Patent No. 6,955,802 wherein the inventors describe that ventral progenitor cells are defined by five domains of progenitor cells in the neural tube, i.e. p0, p1, p2, p3 and pMN, which form in the presence of graded Shh levels. In the presence of Nkx6.1, progenitor cells from the p2 domain form V2 interneurons. Therefore, in the presence of Nkx6.1, a progenitor cell of a V2 interneuron would not produce a motor neuron.

Accordingly, applicants maintain that the invention set forth in amended claims 1-3 of the instant application is patentably distinct from and not obvious over the claimed neural stem cell of U.S. Patent No. 6,955,802.

Summary

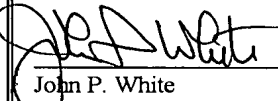
In view of the amendments and remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

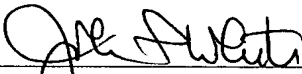
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the \$60.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 John P. White Reg. No. 28,678	5/3/07 Date


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